IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 599 of 2000

CRMP.3977/1999 of SESSIONS COURT, ERNAKULAM
CC.715/1995 OF JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR
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REVN. PETITIONER/PETITIONER

T.R.GOPALAKRISHNAN, S/O. RAGHAVAN,
THACHAYATH HOUSE, MALAYATTOOR VILLAGE.

BY ADV. SRI.P.K.SUBRAMANIAN

RESPONDENTS/IST RESPONDENT IN MP
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1. **STATE OF KERALA, REP. BY**
   THE PUBLIC PROSECUTOR.

2. **T.R. SUGATHAN, AGED 35 YRS,**
   S/O. RAGHVAN,THACHAYATH HOUSE,
   MALAYATTOOR VILLAGE.

3. **RAGHAVAN, AGED 56 YRS,**
   S/O. KRISHNAN, THACHAYATH HOUSE,
   MALAYATTOOR VILLAGE.

4. **PRASANNAKUMAR, AGED 33 YRS, (RESPONDENTS 2 TO 6 IN CRL.RP/**
   S/O. RAGHAVAN, -DO- RESPONDENTS 2 TO 6 IN MP/
   ACUSED 1 TO 5 IN CC)

5. **USHA, W/O. GOPALAKRISHNAN, -DO- (-DO-)**

6. **VALSALA, D/O. RAGHAVAN, -DO- (-DO-)**

BY ADV. SMT.P.S.GEETHAKUMARI R2 TO R6
PUBLIC PROSECUTOR SRI. NOLE MATHEW

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Criminal R.P.No.599 OF 2000 (C)

Dated this the 4th day of December, 2007

O R D E R

Petitioner filed an application before the Sessions Court, Ernakulam, for condonation of delay of 206 days in filing the criminal appeal against the order dated 27.2.1995 before the Judicial First Class Magistrate Court, Perumbavoor for confiscating his gun in C.C.No.715/1995. According to him, the gun owned by the petitioner was used by the 1st accused against CW1 and CW2 in that case. Hence the licence of the gun was cancelled by the Additional District Magistrate on the recommendation of the police. The appeal filed by the petitioner was also dismissed. Petitioner's application for renewal of licence before the Revenue Board was pending before the District Collector. But in the mean time, gun was confiscated as it was used for the commission of crime. The application was dismissed as no grounds for condonation of delay was made out. In paragraph 3 of the impugned order it

was observed as follows:

> "3. The question for consideration is whether there is any sufficient ground to condone the delay in filing the appeal. The judgment in this case was pronounced on 27.2.1999. Even according to the appellant he was informed by one of the accused that the learned Magistrate has passed an order confiscating the gun. But he filed the appeal only on 17.12.1999. It is true that a revision petition was filed by him challenging the order and it was dismissed since the revision is not maintainable. Even according to the appellant the revision was dismissed on 6.12.1999. Though it is alleged that at the time of the dismissal of the revision petition he was laid up due to viral fever there is no evidence to prove that he was laid up during the relevant time. I see no sufficient ground for condoning the delay in filing the appeal."

I perfectly agree with the impugned order and I see no ground to interfere in the above order and hence this revision petition is dismissed.

J.B.KOSHY, JUDGE

prp

J.B.KOSHY

Criminal.R.P.599 OF 2000

O R D E R

4th December, 2007